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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,995	01/14/2004	William H. Fulton	102434-200	3727

27267 7590 07/13/2007

WIGGIN AND DANA LLP  
ATTENTION: PATENT DOCKETING  
ONE CENTURY TOWER, P.O. BOX 1832  
NEW HAVEN, CT 06508-1832

EXAMINER
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KARLS, SHAY LYNN

ART UNIT	PAPER NUMBER
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1744

MAIL DATE	DELIVERY MODE
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07/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/756,995	<b>Applicant(s)</b> FULTON ET AL.	
	<b>Examiner</b> Shay L. Karls	<b>Art Unit</b> 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on 4/30/07. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5, 8 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 includes the limitation of a “non-threaded guide” that allows the “first holding plate to continuously slide”. The applicant states that there is support for these limitations in the figures 4A and 4C. The examiner agrees that the drawings show a guide means attached to the first holding plate, however the drawings fail to show that the guide is non-threaded and that the plate continuously slides. The applicant is required to explain how the drawings have support for these limitations or cancel these limitations from the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2, 3, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Masahiko (JP 2002177895).**

With regards to claim 1, Masahiko teaches a cleaning device comprising a first holding plate (48) for holding and securing probes assemblies. There is a cleaning cartridge (24) having an upper surface, a chamber (24), a cleaning solution and an absorbent pad (60). The absorbent pad is located within the chamber and the pad is saturated with cleaning solution (NaOH, ZnCl<sub>2</sub>, figure 3). There is a non-threaded guide (44) joined with the first holding plate. The non-threaded guide is configured to allow the first holding plate to continuously slide to a position proximate the cleaning cartridge (the plate is capable to sliding along rail 42 via the guides 44 to line up the plate with the cleaning cartridge). There is a means for securing and aligning (42, 44, 46, 54, 56) the cleaning cartridge in proximity to the probe head assembly. The cleaning cartridge is configured such that the upper surface of the cleaning cartridge and the top surface of the absorbent pad are offset from one another by a predetermined distance that is greater than zero (figure 3 shows the distance between the top of the pad and the upper surface of the cartridge). The predetermined distance defines a depth that the probe pins penetrate the pad when a surface of the probe head assembly is brought into contact with the upper surface of the cleaning cartridge. Since the probe head assembly is not positively claimed, any probe head assembly could be used that would function in the manner as claimed.

With regards to claim 2, the first holding plate (48) is affixed to the second holding plate (44, 54) so as to be rotated into alignment with the second holding plate (the second holding plate comprises a screw-type element, which is rotated to ensure a connection between the first and second plates since the screw keeps the two plates affixed together).

Art Unit: 1744

With regards to claim 3, the first and second holding plates and the cleaning cartridge are made from a chemically inert material since no chemical reaction occurs between the elements.

With regards to claim 8, the means for securing and aligning includes a clamp (54, 56) extending from the first holding plate (48) and a second holding plate (44, 54) includes a hole for receiving the clamp (as clamp is turned and the screw portion of the clamp extends through the hole in the second plate (54) causing the first holding plate to be moved vertically) (figure 1 and 2).

With regards to claim 9, the means for securing and aligning includes a guide (46) extending from the first holding plate (48) and a second holding plate (44) includes a slot for receiving the guide (46 fits within a slot on 44, the guide and the slot allow for vertical movement of the first plate) (figure 1 and 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masahiko as applied to claim 3 above.**

Masahiko teach all the essential elements of the claimed invention however fails to teach that the chemically inert material used is polyvinylchloride. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use polyvinylchloride for the first and second holding plates as well as the cleaning cartridge, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, polyvinylchloride would have been a good material to use since it has a high strength, dimensional stability and can be easily machined, heat formed, welded or solvent cemented (San Diego Plastics).

**Claim 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masahiko as applied to claim 1 above over DeForest et al. (USPN 5240339).**

Masahiko teaches all the essential elements of the claim however fail to teach that the cleaning cartridge includes a removable and reusable cover (claim 5) or a cover with a safety recess (claim 7). DeForest teaches a fluid saturated sponge (22) applicator with a cover (32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Masahiko so that the absorbent pad and cleaning cartridge comprises a cover as taught by DeForest so that when the pad is not in use, the cover can be attached to the cartridge and the absorbent pad will not dry out and the cover will prevent contamination (col. 4, lines 29-33) of the pad. While DeForest does not teaches using cover with a safety recess, it would have been obvious to one of ordinary skill in the art to use a cover with a safety recess so that in the event

Art Unit: 1744

that the cover is not removed from the cartridge during a cleaning process, the probe pins will not be damaged.

### ***Response to Arguments***

Applicant's arguments, filed 4/30/07, with respect to Huang ('238) have been fully considered and are persuasive. The rejection of Huang has been withdrawn.

Applicant's arguments filed 4/30/07, with respect to Masahiko ('895) have been fully considered but they are not persuasive. The applicant argues that Masahiko relies on a dial and threaded screw to lower and raise the probe pin. The examiner agrees with this statement however, the reference also teaches a non-threaded guide (44) joined with the first holding plate to allow the plate to continuously slide to a position proximate the cleaning cartridge. The guide (44) slides along rail (42) to position and align the plate horizontally with respect to the cartridge. The claim does not include any limitation to the vertical movement of the first holding plate. The current language of the claim can be interpreted to mean that the guide is used to slide the plate in any direction, vertically or horizontally, and thus, Masahiko uses a non-threaded guide to slide the plate horizontally.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

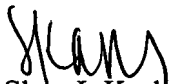
Art Unit: 1744

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Shay L. Karls  
Patent Examiner  
Art Unit 1744